IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4542 of 2007

RAM SINGH & ORS
V/S
A.D.J. ,(F.T.) NO.3, JODHPUR & ORS.

Mr. JITENDRA CHOPRA, for the appellant / petitioner

Mr. ASHOK PATEL, for the respondent

Date of Order : 17.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The matter comes up for admission. However, in view of the short controversy involved at the request of the learned counsel for the parties, the writ petition itself is being finally heard.

By the impugned order Annexure-1 the learned trial court while deciding the petitioner's application for production of certain documents under Order 8 Rule 1 has partly allowed the application, and while taking on record some documents has refused to take two documents on record, copies whereof is produced as Annexure-5 and 6.

The present suit is a suit for specific performance, and Annexure-5 purports to be notice given by the petitioner to the plaintiff with respect to the same

contract, and Annexure-6 purports to be certificate of postal department. Learned counsel for the respondent did not dispute the relevance of these documents in the present litigation.

In such circumstances, and more so when the suit has notice registered any progress so far, it would be in the interest of justice to take these documents on record subject to payment of reasonable cost.

Accordingly, the writ petition is allowed. The impugned order is modified, and the two documents being present Annexure-5 and 6 are also ordered to be taken on record subject to payment of cost of Rs. 1000/- (One Thousand Only).

(N P GUPTA),J.

/sushil/